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STATE OF MICHIGAN

COUNTY OF OTTAWA

IN RE: TERRACE DRAIN

BOARD OF DETERMINATION

Proceedings commenced at 10:00 a.m., on Wednesday,
January 13, 2021, via Zoom in Michigan, held before Marjorie
A. Covey, CSR-2616, RPR, Certified Shorthand Reporter and
Notary Public.

APPEARANCES:

Mr. Joe Bush, Ottawa County Water Resources Commissioner
Mr. Josiah Timmermans, Chief Deputy
Ms. Sara Hirst, Secretary to Water Resources Comm.

Mr. Bill Cargo, Board Chairperson
Mr. Rich VanderKlok, Board Secretary
Mr. Ken Souter, Board Member

Mr. Cole Hedrick, Attorney, Fahey Schultz

Mr. Ryan McEnhill, Engineer, ENG

Mr. Jerry Olman, Ottawa County Road Commission

1 Via Zoom in Michigan

2 January 13, 2021 - 10:01 a.m.

3 PROCEEDINGS

4 WATER RESOURCES COMM. JOE BUSH: All right. Well
5 good morning everyone, I'm Joe Bush the Ottawa County Water
6 Resources Commissioner. It used to be known as drain
7 commissioner, we changed the name back in 2012 when I got
8 elected.

9 So this is part of the process of petitioning, and
10 today is a public hearing for the Terrace Drain over in
11 Spring Lake Township. We're here today because we have a
12 petition received from the people within this drainage
13 district on creating potentially a new drain.

14 To do the process we have to go through a Board of
15 Determination, that's why we're meeting today. And there
16 will be time for public comment later in the agenda. And
17 during public comment, please state your name, address, your
18 comments, and please speak up just because we're via Zoom,
19 and we're not in person.

20 We do have a court recorder who is Margie who you
21 see on the Holiday Squares here today on the Zoom call. She
22 will track everything word for word. She is the court
23 recorder.

24 This is not required by law, but I do it just for
25 the protection of the people and myself down the road. You

1 can always look on my website and see who said what or what I
2 said or the engineer or the township officials or the board
3 members.

4 So to start this process I had to appoint three
5 board members, and these members have been a part of the
6 process for many years. They understand drainage, they
7 understand how Drain Code works. And what their jobs are
8 today is to say yes or no to a potential new drain because of
9 the public comments and the issues and the concerns. That is
10 up to them to figure out once they start running the meeting.

11 I will give these three gentlemen the oath and then
12 they'll pick a chair and a secretary and go through the
13 motions of running the meeting. So then at that point I will
14 kind of wait for their questions to me later in the
15 presentation, but that's kind of how it works.

16 Some people are like, why do you have these BODs or
17 meetings during the day? It is kind of a law and court
18 ordered thing where you do law and business during the day,
19 during business hours. So we try to pick a time, so 10
20 o'clock usually works to get board members, engineer, the
21 court recorder and get other people onboard. So that's kind
22 of why we do them in the morning, and do them during business
23 house. Just because it is something to do with the
24 proceedings like a court order, and we got a court recorder
25 here, and if any lawsuits or anything come out of it, it's

1 during business house, so that's why we do them. And it's
2 always been that way, even with my predecessors.

3 So a few housekeeping things. Again we do have a
4 court reporter. Speak loudly, your name and address when it
5 does come to public comment time.

6 Again, these three gentlemen are appointed by
7 myself and again they are appointed based on experience and
8 knowledge of why we're here today. Again, this is for the
9 Terrace Drain over in Spring Lake Township.

10 So at this time -- and we received the petition
11 based on flooding issues. And the engineer, who is Ryan
12 McEnhill today from ENG, he will go through a presentation,
13 show you pictures, documentation and where the area is.
14 He'll show a map of the locations of those floodings, and I'm
15 sure some of the people on the call today will voice comment
16 during public comment time of those flooding concerns.

17 Again, Margie is our court reporter.

18 A couple of my staff that are here today are Josiah
19 Timmermans, he's my chief deputy. And then we have Sara, my
20 secretary, who is on the Zoom call as well.

21 We have Cole Hedrick. He is an attorney with a
22 firm that I work with to set up the Zooms. And he'll go
23 through in a minute with -- or go ahead and do that now.

24 Cole, just go ahead and introduce yourself and talk
25 about the Zoom, the governor's orders and why we're not in

1 person, which I would rather much be in person.

2 Go ahead.

3 ATTORNEY COLE HEDRICK: Good morning. Thank you,
4 Joe.

5 Again my name is Cole Hedrick and welcome to the
6 Terrace Drain Board of Determination.

7 This meeting is being held electronically due to,
8 as we all know, the COVID-19 epidemic, and in accordance with
9 state agency orders, as well as the Open Meeting Act, which
10 was amended to allow for these type of virtual meetings to be
11 held currently to run through March 31st. They can be held
12 this way for any reason, and in this case it's going to again
13 be the state agency orders related to no public gatherings of
14 more than ten people that are not in a residential home.

15 So this is where we find ourselves unfortunately.
16 Hopefully soon we'll be able to see everybody again.

17 We're going to make sure that we make every effort
18 for full participation today and for transparency for those
19 in attendance.

20 Whenever the board is going to vote, I'm going to
21 ask that they do a roll call vote.

22 Additionally, with respect to the public, we do ask
23 that you remain muted throughout the meeting just so that
24 we're cutting down on background noise or any audio feedback
25 issues.

1 When it comes to public comment, we'll make sure,
2 and I'll go through that process in a second, that everybody
3 has a chance to speak and you can un-mute yourself at that
4 time when designated and I call on you. But otherwise we're
5 going to ask that you remain muted.

6 So if you somehow end up off mute and I mute you,
7 please don't take it personally, just a matter of trying to
8 keep everything orderly and keep those audio feedback issues
9 to a minimum.

10 When we do get to public comment, I'll run through
11 this again, but there is a -- it will be up to the board on
12 how they want to handle it. We don't have a lot of people on
13 here, so we may be able to just go one by one. But if we
14 want to use the virtual 'raise hand' function, I'll explain
15 that at the time.

16 If you have any connection issues today, whether
17 you're member of the public or the board, we do recommend
18 that if you're having those connection issues, feel free to
19 chat me; but also what we found actually usually works best
20 is to completely log out of the meeting and then log back in.
21 And that will usually solve any issues that we have.

22 You also have the option, if your video, etcetera,
23 is not working, you can always call in. So if any of the
24 Board of Determination members fall off today for any reason,
25 we're going to pause the meeting and wait for them to get on,

1 even if it's back on via telephone.

2 At this point, Joe, I'll turn it back over to you.

3 WATER RESOURCES COMM. JOE BUSH: Okay. Thanks,
4 Cole.

5 Should we, when we do introductions of the board
6 members, do we have to claim the location in all the --

7 ATTORNEY COLE HEDRICK: Yes, I was going to bring
8 that up during the oath. Usually whenever they say 'yes'
9 with the oath or whenever we do introductions, all the Board
10 of Determination members will need to speak their current
11 location to meet the Open Meetings Act.

12 WATER RESOURCES COMM. JOE BUSH: Thank you.

13 So at this time I will go ahead and introduce our
14 board members.

15 We have Bill Cargo, he is the manager of Grand
16 Haven Township. He's chaired and been a part of this process
17 for many years.

18 As well as Ken Souter, he's in Port Sheldon
19 Township, and he is -- oh, boy, Ken, you were at the road
20 commission, again what, 30 years in the engineering
21 department?

22 BOARD MEMBER KEN SOUTER: 38.

23 WATER RESOURCES COMM. JOE BUSH: Oh, 38, I was
24 short a couple of years. But 38 years in the engineering
25 department, he understands drainage and Drain Code as well.

1 So again Ken Souter.

2 And then we have Rich VanderKlok who is over in
3 Georgetown Township, been a part of the board over there for
4 many years, and now is still joining us on these Zooms and
5 Board of Determinations. Richard has also been a very big
6 part of our process and understands Drain Code, his job
7 duties, and understands public comment and what that means as
8 far as moving the process forward.

9 So again, Rich, thanks for joining us.

10 At this time, Gentlemen, please raise your right
11 hand. I'll go ahead and give you the oath at this time for
12 the Terrace Drain.

13 Do you each solemnly swear that you will faithfully
14 perform and discharge the duties imposed upon you as required
15 by law as members of the Board of Determination appointed by
16 the Ottawa County Water Resources Commissioner to determine
17 the necessity for the location, establishment and
18 construction of the Terrace Drain located in Spring Lake
19 Township, in said county? Gentlemen?

20 BOARD MEMBER BILL CARGO: I do.

21 BOARD MEMBER KEN SOUTER: I do.

22 BOARD MEMBER RICH VANDER KLOK: I do.

23 WATER RESOURCES COMM. JOE BUSH: And I guess at
24 this time, Cole, do you want them to go ahead and give their
25 locations?

1 ATTORNEY COLE HEDRICK: Yeah, if each of you could
2 go ahead and state your current location.

3 BOARD MEMBER KEN SOUTER: My location is Jensen
4 Beach, Florida.

5 ATTORNEY COLE HEDRICK: Just for the record, that's
6 Ken Souter.

7 BOARD MEMBER BILL CARGO: This is Bill Cargo. I'm
8 in Grand Haven Charter Township in Ottawa County.

9 ATTORNEY COLE HEDRICK: And Richard?

10 MR. VANDER KLOK: Rich VanderKlok. I am in
11 Jenison, Michigan.

12 ATTORNEY COLE HEDRICK: Perfect.

13 BOARD MEMBER BILL CARGO: The first thing we need
14 to do is we need to elect a chairperson and a secretary.

15 Do I have a motion to elect a chairperson?

16 BOARD MEMBER RICH VANDER KLOK: I would move that
17 Bill Cargo be the chair.

18 BOARD MEMBER KEN SOUTER: I'll support that motion.

19 BOARD MEMBER BILL CARGO: We do have a motion for
20 Cargo to be the chair of this Board of Determination. We
21 will do a roll call vote.

22 Rich?

23 BOARD MEMBER RICH VANDER KLOK: Yes.

24 BOARD MEMBER BILL CARGO: Ken?

25 BOARD MEMBER KEN SOUTER: Yes.

1 BOARD MEMBER BILL CARGO: And Bill also votes yes,
2 so that is unanimously approved.

3 Have we decided who wants to be the secretary for
4 this meeting?

5 BOARD MEMBER KEN SOUTER: I think it's Rich's turn.

6 BOARD CHAIRPERSON BILL CARGO: Okay, I will make a
7 motion that Rich be chosen as the secretary for this Board of
8 Determination.

9 Is there support for that motion?

10 BOARD MEMBER KEN SOUTER: I will support that.

11 BOARD CHAIRPERSON BILL CARGO: There is a motion
12 and support on the floor. I'll do a roll call vote.

13 Bill says yes.

14 Ken?

15 BOARD MEMBER KEN SOUTER: Says yes.

16 BOARD CHAIRPERSON BILL CARGO: And Rich?

17 BOARD MEMBER RICH VANDER KLOK: Yes.

18 BOARD CHAIRPERSON BILL CARGO: So we now have the
19 officers for this board of review.

20 Also we will have rules for public comment. And
21 I'm going to make a motion that public comments be limited to
22 three minutes. You can summarize War And Peace in three
23 minutes, and so I think that will be sufficient.

24 Do I have support for that motion?

25 BOARD SECRETARY RICH VANDER KLOK: Support.

1 BOARD CHAIRPERSON BILL CARGO: That has been --
2 motion was made by Bill, supported by Rich. And we'll do a
3 roll call vote on that.

4 Ken?

5 BOARD MEMBER KEN SOUTER: Yes.

6 BOARD CHAIRPERSON BILL CARGO: Rich?

7 BOARD SECRETARY RICH VANDER KLOK: Yes.

8 BOARD CHAIRPERSON BILL CARGO: And Bill also votes
9 yes, so that is also approved unanimously.

10 At this stage I'm going to turn this over -- who is
11 going to talk about the Board of Determination procedure with
12 the role and function of the board? That's the next thing on
13 the agenda.

14 ATTORNEY COLE HEDRICK: Joe, do you want me to
15 cover that?

16 WATER RESOURCES COMM. JOE BUSH: Go ahead.

17 BOARD CHAIRPERSON BILL CARGO: I think he said yes.

18 WATER RESOURCES COMM. JOE BUSH: Go ahead, Cole.

19 ATTORNEY COLE HEDRICK: Good morning again,
20 everybody.

21 So I think thankfully here today we have some
22 veteran BOD members, but for all members of the public, I
23 want to go through this a little more thoroughly of what the
24 role and the function of the Board of Determination members
25 are.

1 Joe kind of covered it a little bit at the
2 beginning, but we'll go a little deeper.

3 They have -- this decision is before them today
4 because they received a petition, Joe received a petition,
5 appointed the Board of Determination members, and their
6 decision directly relates to whether a project is necessary
7 or not.

8 There is a lot of things they are not going to
9 cover today such as what the cost of the project is going to
10 be, what the actual scope of the project is going to be,
11 instead it is going to mainly focus on should a project occur
12 or should a project not occur.

13 Are there any questions procedurally about what is
14 going to happen today? First from the Board of Determination
15 members?

16 BOARD SECRETARY RICH VANDER KLOK: No, none from
17 me.

18 BOARD MEMBER KEN SOUTER: None from me.

19 BOARD CHAIRPERSON BILL CARGO: The only question I
20 have is was this petition, did it originate and was it
21 approved by the Spring Lake Township board, or was it
22 originated by the residents themselves?

23 ATTORNEY COLE HEDRICK: The packet that was sent
24 out has the petition attached to it and it was signed by the
25 residents.

1 WATER RESOURCES COMM. JOE BUSH: By the people.

2 BOARD CHAIRPERSON BILL CARGO: The second question
3 I have is there anybody here from Spring Lake Township?

4 I'm talking about from the Spring Lake Township
5 board, is Gordon Gallagher representing or anybody in his
6 place?

7 WATER RESOURCES COMM. JOE BUSH: I do not see
8 anybody present, Bill.

9 BOARD CHAIRPERSON BILL CARGO: Okay. In that case,
10 the next issue will be a presentation by the engineer.

11 Ryan, I suspect you're going to want to share
12 screen and share a slide show or something.

13 If you would take that away, I'd appreciate it.

14 ENGINEER RYAN MCENHILL: Can everybody see that
15 okay?

16 Well good morning everybody. My name is Ryan
17 McEnhill with ENG. I'm a professional engineer in the state
18 of Michigan. We have offices in Grand Haven and also in
19 Lansing.

20 I am based out of our Grand Haven office here and
21 we work with drain commissioners and water resource
22 commissioners all across the states -- across the state of
23 Michigan on projects just like this one.

24 So Joe retained our office just to do some
25 preliminary engineering work once the Chapter 3 application

1 and Chapter 4 petition were submitted.

2 The Chapter 3 application to establish a district
3 was signed by 16 residents. Of those 16 -- or excuse me,
4 there needs to be ten for a valid application. They were
5 able to get 16. At least five of those signatures need to
6 come from within -- or be liable for an assessment.

7 And then the Chapter 4 petition was signed by 23
8 property owners within the drainage district that would be
9 liable for an assessment, when only 18 was required. So they
10 met all those statutory requirements.

11 I do want to say that our engineering review up
12 front is pretty limited in scope. We want to be able to
13 prepare information for this board to review from an
14 engineering standpoint; but secondarily, we also want to keep
15 costs pretty low at this point. In the event that this board
16 should turn the project down, we don't want to have a
17 significant amount of engineering costs incurred. So our
18 scope is limited at this point.

19 The other thing that we did was determine the lands
20 drained. We call that the drainage district that's going to
21 be served by this tentative route and course of the Terrace
22 Drain, which I will go through in more detail.

23 We spent a lot of time in the field reviewing the
24 system. There is actually quite a lot of individual streams
25 and road ditches that are all a part of this Terrace Drain,

1 so we wanted to evaluate the integrity and condition of
2 those, identify any potential drainage problems that we've
3 noticed in the drainage district, and then summarize all
4 those findings here today so that this Board of Determination
5 has some background from an engineering standpoint.

6 So a little more detail about the specific tasks
7 that we did. I kind of gave you an outline of the number of
8 signatures that were received on the application and
9 petition; and what we do when we see those signatures,
10 obviously there is addresses attached to those, we want to
11 evaluate where those issues are coming from. We made
12 attempts to talk to property owners to just see what their
13 specific issues were as well, and we did have some luck from
14 that standpoint.

15 Review of the existing record information
16 available. Ottawa County has a lot of information at its
17 fingertips as far as aerial imagery, mapping, topographic
18 information, all that stuff is very helpful when we're doing
19 our preliminary investigation.

20 We talked about the field inspection of the
21 potential routes. The route that you'll see today for the
22 proposed Terrace Drain is considered tentative. It's not
23 something that we're locked into, but it was setup as the
24 route and course that would be able to primarily achieve the
25 issues that were found during the investigation.

1 Delineate the drainage district, and I'll go
2 through that in a lot more detail here how we do that, but
3 there is a lot of information that's available to us, like I
4 said, as far as LiDAR contour information. And then we do a
5 lot of field work as far as locating culverts and how water
6 traverses through this drainage district.

7 And then the point is to provide an independent and
8 unbiased assessment of our field investigation that we can
9 present here today to assist the Board of Determination
10 members.

11 So just a brief timeline of how we've gotten to
12 this point. On July 10th the application, this is a Chapter
13 3 application to designate a drainage district and a new
14 drain, that was submitted in July of 2020.

15 Shortly thereafter on September 29 of 2020, the
16 petition to locate, establish and construct a drain was
17 returned to Ottawa County.

18 And then in November we were retained to kind of go
19 through some of these preliminary engineering items that I'll
20 discuss here today. We finished those in late December.

21 And then obviously here we are today in January
22 with this board prepared to make a decision.

23 So here is the drainage district boundary. The red
24 is the outline of that drainage district boundary. And the
25 blue is the proposed route and course or tentative route and

1 course that I mentioned previously. That is that blue line
2 that goes up Terrace Road, down West Spring Lake Road, and
3 then ultimately discharges there to Dunleavy Bay.

4 So all of this area within the yellow, the yellow
5 hatching, eventually -- water that falls on these properties
6 eventually makes its way to Dunleavy Bay through that blue
7 line. So we're all part of a watershed of this Terrace
8 Drain.

9 And we use a lot of information, topographic maps.
10 Ottawa County has one-foot contours which are extremely
11 helpful to be able to delineate these boundaries. And then
12 we also perform field and site inspections just to confirm
13 that what we're seeing back in the office with the data that
14 we have is actually confirmed in the field as well.

15 And on this particular case, measuring district
16 boundary is approximately 150 acres of land area, about 146
17 properties involved, and it sits entirely within Spring Lake
18 Township.

19 I just want to touch on real quick while we have
20 this slide up just some of the land use that's going on in
21 this particular drainage district. We obviously do have some
22 urban residential areas, some forested areas in the middle of
23 the drainage district. And then you'll see on both the north
24 and south ends we also have some agricultural properties that
25 are primarily being utilized for blueberry fields.

1 So just a summary of the existing conditions that
2 we saw out there, and I'm going to go into more detail after
3 I get through this slide.

4 The green dotted circles are areas where we noticed
5 issues. A lot of these locations are consistent with the
6 number of petitioners and where the signatures came from.
7 Obviously the residents along Terrace Road have significant
8 issues with standing water in their rear yards, which
9 unfortunately has resulted in flooded basements in certain
10 cases.

11 There is no real drainage infrastructure in that
12 Terrace Road corridor, so that's a significant issue too that
13 they have no real positive outlet for that system. And then
14 ultimately both north of Taft and south of Taft there is
15 still a significant area here that's draining through this
16 system.

17 And I will point out on that photo that you see
18 there, the darker blue line is the tentative route and course
19 that we're proposing for the Terrace Drain, and then these
20 lighter blue lines are kind of existing watercourses, road
21 ditches, that ultimately discharge there to Dunleavy Bay.
22 And it actually extends much further to the north, but for
23 depiction purposes I wanted to focus on just these specific
24 areas.

25 Some background on the soil conditions out there.

1 I mentioned that there were blueberry fields here on the
2 north and south portions which, when you think of blueberry
3 fields, you can automatically correlate that to typically
4 high groundwater conditions, that's where that type of crop
5 produces well.

6 And when we get to the NRCS soil data, that is very
7 consistent with the soil conditions that are out there. It's
8 predominantly sandy soils, Pipestone-Covert-Saugatuck,
9 roughly 67 percent of the district. And the depth to the
10 water table for those type of soils is only 6 to 24 inches
11 below ground.

12 Infiltration rates are really not that good for a
13 sandy material, you see .02 to 14.17 inches per hour is
14 typically what's seen out there. But when we have such a
15 shallow water table, it's not surprising that during the
16 spring periods, seasonal times, that you would see some
17 significant surface flooding if there is not an adequate
18 outlet available to service those areas.

19 Getting in now to some of the site conditions that
20 we've seen out there, I'm going to focus on the Terrace Road
21 corridor first. This is a rear yard area on the north side
22 of Terrace Road. These were photographs that we were able to
23 obtain from property owners during our investigations early
24 on.

25 There is actually a driveway just on the north side

1 of these homes, on the north of Terrace Road where it looks
2 like there may have been a shallow swale constructed at some
3 time, but as time went on you can see it hasn't been
4 maintained. There is trees growing in the middle of it.
5 It's just not an adequate conveyance system for the folks on
6 the north side of Terrace Road.

7 And then this is that same property on the north
8 side of Terrace Road, they do have sump pumps available and
9 working. Which sump pumps are great if you have a positive
10 outlet to discharge them to, and you can see here that we did
11 have some basement flooding that resulted.

12 Shifting to the south side of Terrace Road, this
13 would be the rear yard areas of Terrace on the south side.
14 This is an area when we went out there and did our field
15 investigation that there is just no way for this water to get
16 out right now. You know, the home construction that has
17 occurred over the years has just kind of created these
18 depressions, and obviously created some significant flooding
19 issues in this particular rear yard area.

20 This is another spot that we located, again the
21 frontages of the homes on Terrace, they want to shed toward
22 the roadway. There is no existing road ditches in Terrace
23 until you get closer to West Spring Lake Road, where there is
24 some across the first couple of properties there. But
25 otherwise, there is no infrastructure available.

1 This was a location where it was clearly a low spot
2 where there is just no way for this water to get out.

3 Obviously the retaining wall caught our attention.
4 We weren't able to speak to their property owners, but I'm
5 not sure if that retaining wall was put in to block water
6 from coming into this low spot. But again, no way for this
7 particular area to get relief currently.

8 I'm going to shift away a little bit from the
9 Terrace Road portion. Again as I mentioned previously, not
10 only were signatures on the petition from folks along Terrace
11 Road, but there also was a significant amount of signatures
12 from folks that live on West Spring Lake Road and some on
13 Taft Road as well.

14 This is a culvert that's located underneath Taft.
15 This was just from Monday, actually, of this week. That
16 culvert is completely submerged. You wouldn't be able to
17 find it unless you were really, really looking for it.

18 And then the picture on the left side is that
19 downstream blockage. You can see there is a large diameter
20 tree and significant vegetation in that channel that right
21 now there is just no way for that water to freely flow
22 through that system because there is just so much blockage
23 out there on the downstream end.

24 And then these are some representative photos along
25 West Spring Lake Road. There are some failing headwalls.

1 When you look at this downstream system -- excuse
2 me, upstream system that's conveying water to West Spring
3 Lake Road they have significant agricultural property,
4 blueberry fields that are coming down into the West Spring
5 Lake Road ditches, and these culverts are only 12 to 15
6 inches in diameter.

7 It did appear at some point that the road
8 commission had done some maintenance to the ditches
9 themselves, but typically the road commission wouldn't get
10 involved as far as replacing or upsizing individual driveway,
11 roadway culverts. So there is some issue in that regard as
12 well for water to flow freely through those road ditches.

13 So just in summary here, as I get near the end of
14 my presentation, and the existing conditions that we saw as
15 it specifically relates to Terrace Road, obviously past home
16 construction and how that was done from a grading standpoint
17 has created some berms around property which has caused water
18 to just stand there. There is no real mechanism for that
19 water and those property owners to get relief.

20 Some of the maintenance aspects, again, a lot of
21 these -- these water -- existing watercourses that are
22 available are private in nature. Sometimes we call them
23 orphan drains. But there is no -- there is no jurisdictional
24 entity that is available to take ownership and do maintenance
25 on a lot of these watercourses in this district.

1 And then we talked a little bit about the sump
2 pumps. Like I said, sump pumps work great if you have
3 something positive to discharge them to. In this particular
4 case there is just not an adequate outlet to discharge those
5 sump pumps to, which is problematic.

6 So the next steps here today, obviously public
7 testimony is next up on the agenda. We always find that that
8 is extremely important for these board members to hear from
9 the public. Obviously you live there everyday, some of you
10 have significant longevity, just explaining to this board
11 what conditions you are seeing out there so they can make the
12 best decision possible.

13 The board will then determine the necessity of the
14 petition. If it's found unnecessary by the board, the
15 project ends, no work would be done, no solutions would be
16 implemented. That would be, I guess the end of the line as
17 far as this particular petition goes. And then there is some
18 time constraints before a new one could potentially be
19 petitioned again.

20 If it is found necessary, that's when Ottawa
21 County, we start going through what the scope of the project
22 is, based on a lot of the testimony that we would potentially
23 hear today, as to what the project would actually become.

24 And then finalized design. In some cases we need
25 to obtain easements from folks if we're going into private

1 property to alleviate a potential issue.

2 Sometimes permits from the state or the U.S. Army
3 Corps are involved depending on how close we're doing work to
4 the lake and things of that nature. And prepare bid plans
5 and actually ultimately construct a project, down the line
6 here.

7 So that's all I have at this point from an
8 engineering perspective. I will turn the meeting back over
9 to the board, and if the board has any questions for me, I'm
10 more than happy to respond to those.

11 BOARD CHAIRPERSON BILL CARGO: I appreciate that.
12 I don't have any questions at this time.

13 Do any of the other board members have any
14 questions?

15 BOARD SECRETARY RICH VANDER KLOK: No, I don't.
16 Thank you, Ryan, and well done.

17 BOARD MEMBER KEN SOUTER: Ryan, one question I do
18 have is on Terrace Lane, was there any available construction
19 plans when the street was built on how it was supposed to be
20 drained, or was this a private development?

21 ENGINEER RYAN McENHILL: We weren't able to obtain
22 specific original design drawings. I don't know if -- and
23 Jerry maybe could answer that question too. But currently
24 how it exists today, the frontages of the properties all
25 drain to the road itself.

1 So really the system, the road -- or Terrace Road
2 drains it towards West Spring Lake Road. And until you get
3 closer to West Spring Lake there is a couple of very minor
4 road ditches.

5 There is a culvert under Terrace Road that conveys
6 it to the north. It just -- you can tell it hasn't been
7 touched in a long, long time.

8 Jerry, I don't know if you have anything to add to
9 that as far as the history.

10 BOARD MEMBER KEN SOUTER: Is there any easements to
11 that or that you could find for the off-right-of-way stuff
12 that's to the north?

13 ENGINEER RYAN MCENHILL: No.

14 BOARD CHAIRPERSON BILL CARGO: Okay.

15 ROAD COMMISSION JERRY OLMAN: If I could mention a
16 couple of things here.

17 I looked to see what kind of plans we had for
18 Terrace. There is not much available. Just a sanitary water
19 went down through there back in '76 and 1979. But other than
20 that I couldn't find any road plans for that development.

21 About a year-and-a-half ago, summer of 2019, our
22 guys did clean out the ditch from the culvert that goes under
23 Taft to the east, to West Spring Lake Road and down the west
24 side of West Spring Lake Road. We did receive a couple of
25 calls from the people on the west side of West Spring Lake

1 Road having some water issues. So we did that.

2 But, like Ryan mentioned, downstream from there,
3 the water can't get away. So that's kind of the issue there.

4 Then in 2018, the culvert under West Spring Lake
5 Road, about five to 600 feet north of Taft, we replaced that
6 in 2018. And that was a 24-inch, it was increased to a
7 36-inch. That's all the work that we've done in that area in
8 the last three or four years.

9 BOARD CHAIRPERSON BILL CARGO: Jerry, I appreciate
10 it.

11 Before we open this up for public comments,
12 typically I ask the local municipality, in this case Spring
13 Lake Township to make comments. There is nobody here.

14 I have e-mailed Gordon Gallagher, so that if there
15 is some mistake as to why they're not here, that hopefully
16 they can have a time to attend.

17 What will happen is this is considered an orphan
18 drain. Is that correct, Cole?

19 ATTORNEY COLE HEDRICK: Yes. So an orphan drain
20 is -- it's not a technical term, but, yes, this is -- there
21 is a current -- some type of current drainage infrastructure
22 in place here where Joe doesn't have any jurisdiction. So
23 this --

24 BOARD CHAIRPERSON BILL CARGO: And because --

25 ATTORNEY COLE HEDRICK: This will be taking it over

1 and the project could be anything from extending it to just
2 cleaning out what's already there. That scope would have to
3 be determined later on.

4 BOARD CHAIRPERSON BILL CARGO: Basically I wanted
5 to use that term because we -- as we explained to the public,
6 public monies cannot be spent on solving these drainage
7 issues unless this drain is brought into the jurisdiction of
8 the Ottawa County Water Resources Commissioner. And so
9 the -- it's illegal for communities, for counties to spend
10 money on these type of projects.

11 If this is determined that it should become a
12 drain, and that a project is deemed necessary, a portion of
13 the project will be charged to the road commission, a portion
14 of the project will be charged to the township, which is why
15 I typically like to have the township here, and a portion of
16 the project will be covered by the county.

17 So that's one of the other things that we will
18 consider.

19 When we have the public comments, I'm going to open
20 this up for public comments now, state your name and address,
21 identify whether you live or have lands in the drainage
22 district, and basically then explain any problems or issues
23 or opinions that you have on this matter.

24 Just prior to doing that though, I want to ask, are
25 there any letters or correspondence received by the Ottawa

1 County Water Resources Commissioner on this, and if so, will
2 you share that with the members of the public?

3 WATER RESOURCES COMM. JOE BUSH: Yeah, we do not,
4 Bill, at this time.

5 BOARD CHAIRPERSON BILL CARGO: Okay. Then I'm
6 going to go around what is on my screen, since there is so
7 few of us. I see a screen with two individuals with the last
8 name of Ellis.

9 Would you like to make any comments? If so,
10 un-mute yourself, identify and state your name and address.

11 MS. KRISTINA ELLIS: My name is Kristina Ellis,
12 18270 Kristina Court here in Spring Lake.

13 My property is just -- it's not included in the
14 district but it is -- it's in that Lowell Park area that
15 comes up so often.

16 My only comment was, or is that many of the homes
17 on the other side of West Spring Lake Road, across from
18 Lowell Park are built really high up, they were allowed to be
19 built. And they drain directly into the street and goes
20 directly into Terrace, and I'm sure it contributes to this
21 problem. There is nothing to be done now, it's done. But
22 these are the kind of issues that add to and cause friction
23 between neighborhoods, communities, money is always involved.

24 And I just want to say that it's a shame those
25 houses -- something should have been done differently with

1 regards to how they drain.

2 And that's a big part of the problem. They had to
3 put in a whole sewer drain at the bottom of those houses just
4 to handle the amount of water that's drained out of them
5 every year.

6 That's really all I have to say.

7 BOARD CHAIRPERSON BILL CARGO: I appreciate the
8 comments.

9 Next on my screen, I see a couple, the man is
10 wearing a baseball cap and his name is Mike.

11 Would you identify yourself and your address and
12 share any comments that you may have?

13 MR. MIKE JOHNSON: Hi, this is Mike Johnson, my
14 wife JoAnn. We're at 16162 Coventry Lane, so we're in the
15 Sanctuary subdivision, not down Terrace Road. So we're just
16 a little bit north. But since we got the notice, we were
17 interested in what was transpiring so that's why we
18 participated.

19 I probably have less to comment like Kristina did,
20 but more -- just more of a couple questions. One is maybe
21 can somebody maybe comment a little bit further on what the
22 role of the township would be?

23 Because there was a reference, Bill, you made to,
24 you know, did they already review and approve this. So I am
25 I'm kind of curious as to what their role would be besides

1 the fact that you kind of alluded to it with regard to the
2 expense that may be there.

3 And then the last part would be for people that are
4 in the Terrace district, which is kind of where we're at,
5 what does something like this typically mean? I know you
6 can't specify the costs, because you don't know that yet, you
7 haven't done that kind of detail work. But what would it
8 normally end up being for people that are in here? Is that
9 like a ten-year type of additional expense to the people?
10 Twenty? How does that get paid off? Because I figure there
11 is a bond or something that helps to -- that gets paid as
12 part of this.

13 So those are our comments or questions.

14 BOARD CHAIRPERSON BILL CARGO: Okay. With regard
15 to the township's role in this, I would simply say the
16 townships normally take a position, or by their policies and
17 procedures have already adopted a position with regard to
18 storm drain.

19 Since there is nobody here from Spring Lake
20 Township, I can't comment on that.

21 With regard to how this would be funded, if a
22 project is in place, I'm going to defer to Joe, and you can
23 ask how do you typically handle a project.

24 This doesn't look like a major project, but how
25 would you typically handle the finances in something like

1 this?

2 WATER RESOURCES COMM. JOE BUSH: Well there is a
3 couple of financial institutes that we do borrow money from.

4 Typically, I'm just going to speak, we'll just say
5 on a \$10,000 fix. The township, I usually assess them for
6 better health and welfare, we'll just go with 25 percent.
7 This is not set in stone, I know it's on record, but these
8 are just examples. I would assess them 25 percent.

9 The road commission and the county pays on the
10 14As, and Jerry usually helps me with those, that is the
11 runoff and the road right-of-way. And whatever that
12 calculation comes out to be for a percentage, the county and
13 road commission, we split that.

14 And then the others, if MDOT or railroad or any
15 other municipality, organization is involved, I assess them
16 accordingly, usually 14As or beneficial supplemental benefit.

17 And then once that is taken out, let's just say we
18 had 50 percent paid for, the other -- by municipalities and
19 organizations, the other 50 percent goes to the people.

20 And then there is a time period where we have Day
21 of Review. And then I share -- typically we don't have the
22 interest rate at that time, we have a pretty good idea, but
23 it varies sometimes within a week or two or month. So we're
24 real cautious on that because it just varies.

25 But at that time we'll have a cost, and we usually

1 figure out do people want to do a three year, a five year,
2 seven, ten, 15.

3 We don't go out for bonding until it gets really
4 over a million and a half, two million, then we put it up for
5 bond. We try to save costs by not getting bonds involved if
6 we don't have to, just because we have a couple of financial
7 institutes that give us pretty good interest rates typically.
8 And we go with a note, that's a borrowing. And then we'll
9 borrow, like I said, three, five, seven, ten, depends on
10 what's affordable, what people are comfortable with.

11 I wait for the Day of Review to figure that out.
12 I'm not going to say it here and go, okay, two years, and I
13 know people can't afford it. We're in a different time right
14 now, I'm really cautious on financials. So that's kind of
15 how that works.

16 And then once it's paid off, it's paid off. It's
17 not a forever -- and it's usually on the winter tax bill, so
18 I can only assess with Drain Code on the winter tax bill, so
19 it won't be on summer and winter. And like I said, it's only
20 on winter.

21 MR. MIKE JOHNSON: You've answered my question,
22 thank you guys.

23 BOARD CHAIRPERSON BILL CARGO: It's also important
24 that many times, if this project isn't major, townships have
25 policies, either formal or informal in place, where the

1 township will simply pay the at-large assessment covering
2 what the residents would be.

3 So in the township, if I have an at-large
4 assessment of less than 20,000, the board has authorized me
5 simply to pay for that out of the general fund and to inform
6 them of this decision.

7 I'm not sure what Spring Lake Township's policy is,
8 but most communities have a policy where it's just not cost
9 effective many times to assess the property owners if we're
10 talking less than 10, \$20,000.

11 BOARD MEMBER KEN SOUTER: Mr. Chair, I think she
12 has another question.

13 MS. KRISTINA ELLIS: Why, when the original
14 drainage district was --

15 BOARD CHAIRPERSON BILL CARGO: Can you identify
16 yourself?

17 MS. KRISTINA ELLIS: I'm sorry, Kristina Ellis,
18 18270 Kristina Court.

19 When the first drainage district was put together,
20 we were asked to pay \$2500 right up front. Why weren't we
21 given the opportunity to have, you know -- we were told we
22 could pay in time, but it was with interest.

23 So I don't understand why this would be different
24 or why we were asked to come up with that big amount of
25 money.

1 BOARD CHAIRPERSON BILL CARGO: You're in a
2 different district, I understand?

3 MS. KRISTINA ELLIS: The original drainage district
4 for Lowell Park, the big one with the red line. That's
5 actually included in the one that we're talking about.

6 I'm just wondering procedurally why you would be
7 able to spread out payments in one and be asked for a lump
8 sum of \$2500 for the other.

9 BOARD CHAIRPERSON BILL CARGO: Okay. Joe, do you
10 want to answer the differences of how we make these type of
11 determinations?

12 WATER RESOURCES COMM. JOE BUSH: Typically it's at
13 the Day of Review and I'm not sure, was that the drain
14 district for -- we had two petitions over there lately,
15 Lowell Park North and Lowell Park South.

16 Is that right, Ryan?

17 One was multiple years, and that was based on the
18 response from the public. So people would call in on the Day
19 of Review and they'd either go a year or two years. So we
20 determined that based on the interest rate and the feedback
21 from people who were calling and saying, hey, can we do that
22 over three years or five years or two years.

23 So that's typically -- there is no -- nothing in
24 writing that says it will be three or five or seven, I wait
25 to hear back from the people and what they would feel

1 comfortable doing.

2 And I think on that one, I can't speak for sure
3 until I go back and look at the file that you're talking
4 about, but -- and again I shouldn't assume, but I'm thinking
5 it might have been a one-year assessment.

6 BOARD CHAIRPERSON BILL CARGO: And, Joe, bottom
7 line is you do take public comments when you make these
8 decisions as to --

9 WATER RESOURCES COMM. JOE BUSH: Absolutely.

10 BOARD CHAIRPERSON BILL CARGO: -- and how you
11 spread out assessments?

12 WATER RESOURCES COMM. JOE BUSH: That is correct.

13 BOARD CHAIRPERSON BILL CARGO: And you talk to the
14 township as to what they're willing to pay, correct?

15 WATER RESOURCES COMM. JOE BUSH: That is correct.

16 BOARD CHAIRPERSON BILL CARGO: Above and beyond the
17 25 percent that is typical.

18 MS. KRISTINA ELLIS: Well I'll call you, Joe, and
19 we can talk about it.

20 WATER RESOURCES COMM. JOE BUSH: Absolutely.

21 MS. KRISTINA ELLIS: Because \$2500 is a lot of
22 money to come up with as opposed to \$500 or something over a
23 period of time.

24 WATER RESOURCES COMM. JOE BUSH: Absolutely, give
25 me a call.

1 MS. KRISTINA ELLIS: I'll call you. We don't need
2 to take up the time here. Thank you.

3 BOARD CHAIRPERSON BILL CARGO: And I'll go to the
4 next person on my screen. I have a gentleman with the name
5 of Robert, last name is D-e-r-c-k on my screen.

6 Robert, do you want to make any public comments?
7 If so, please state your name and address.

8 MR. ROBERT DERCK: Yeah, it's Rob Derck. And I'm
9 18274 Kristina Court.

10 Are we going to be able to see this? Anyway in
11 2016 -- you can't see this.

12 We put a drain in right behind my house, and the
13 water goes from the west to the east. And I agreed -- agreed
14 upon that that everything is trying to get to Spring Lake.

15 In 2018, we did another one south on Lowell Park
16 South. And from everything I've read, and researched, the
17 ground -- the surface water is not an issue because we're all
18 sand there. The groundwater is trying to get to Spring Lake.

19 So in that case, the water on my property and
20 Ellis's would have had to kind of run against the groundwater
21 flow trying to get to Spring Lake. But I went ahead and paid
22 that. That was \$1429. Now I just got another \$526 bill.

23 Now we're saying the water runs to the north, which
24 there again, that water is going from west to east to get to
25 Spring Lake, and it just can't do that.

1 The back of my property, in the spring time, I
2 actually have a creek running from Terrace through my
3 property to the first drain that was put in.

4 And I just think that a couple of the properties on
5 the south side of this new floodplain area, or whatever you
6 want to call it, are diagnosed wrong. And I just don't think
7 that I should be included and I don't think -- there is a few
8 other problems.

9 There again, in the first couple of projects, I
10 think that the area should have expanded more to the west.
11 Because, as Kristina mentioned, you know, some of those new
12 subdivisions and the waters just -- it's coming from the west
13 trying to get east into Spring Lake.

14 Even though you probably can't see this -- shoot.
15 Oh, you can't see it.

16 But even though there might be a little bit of a
17 bump, that water is going down and that water is still, it's
18 all flowing from west going east. And I don't know if I
19 could bring some of this in and talk to Ryan or somebody, but
20 I think a few of the houses on the south side of this
21 designated area are misdiagnosed. Because first they said it
22 went to the east, then they said it went to the south, and
23 now they're saying my property goes to the north.

24 And that's -- and I do believe that there is a huge
25 demand. Actually Mike and Patrick Wade, I'm a contractor, we

1 did the demo, we cut the concrete out around the perimeter of
2 the house, we put a stone and drainage and sump pump. And
3 then I came back and redid the drywall and trimmed it back
4 out for them.

5 So I know there is a demand for it, but I just
6 think that there is a couple properties, which mine, I just
7 don't think it should be included in all three areas.

8 BOARD CHAIRPERSON BILL CARGO: I appreciate that.
9 And they will -- they have the opportunity -- Ryan is making
10 notes of this, the engineer, and they will evaluate whether
11 their needs to be any modifications to the drainage district
12 boundaries. So I do appreciate the comments, we can look at
13 that.

14 Next I'm going to go on the screen to -- this is a
15 gentleman with glasses, it looks like a gray shirt. He's
16 identified as Patricia, but I doubt it's Patricia.

17 Do you have any comments that you would like to
18 make? Again name and address.

19 MR. MICHAEL WADE: Can you hear me okay?

20 BOARD CHAIRPERSON BILL CARGO: Yes.

21 MR. MICHAEL WADE: Okay, my name is Michael Wade.
22 I'm at 16215 Terrace in Spring Lake Township and I am the
23 individual who carried around the two petitions to get this
24 whole thing started.

25 In May we had a flooded basement. We had about one

1 inch of water. And the photographs the engineer took off my
2 back deck and my back yard. We had about one inch of water.

3 I had to rip out the bottom sections of all the
4 drywall in the basement, the carpeting in the front half of
5 the basement, and the linoleum in the back half of the
6 basement and have, as Rob said, have a drain installed.

7 In spite of the fact that I did have flood
8 insurance, the net amount of damages that I had to cover was
9 a little over \$20,000.

10 And I appreciate the fact that the dollar is
11 probably irrelevant in terms of today's discussion, but when
12 the engineer came out, he definitely said that the back yard
13 needed to have something done to it because it was standing
14 water. Well I guess that was gone by the time he got here
15 because he was here, I believe, in early November, as they
16 were putting the new flooring in the basement.

17 Anyway, I am the individual who initiated this
18 action. And we did have some significant loss in spite of
19 flood insurance.

20 BOARD CHAIRPERSON BILL CARGO: I appreciate it.
21 First of all, I'm sorry for your loss. It's a difficult
22 thing to go through. And I understand that you put a lot of
23 time into this, so I do appreciate that.

24 Next I'm going to go to somebody who is identified
25 as Brian Hoefler. If you would like to make a comment,

1 please un-mute yourself and state your name and address.

2 MR. BRIAN HOEFLER: Can you hear me?

3 BOARD CHAIRPERSON BILL CARGO: Yes.

4 MR. BRIAN HOEFLER: My name is Brian Hoefler. I
5 live at 16158 Coventry Lane in the Sanctuary subdivision,
6 next to Mike and JoAnn.

7 The district that was outlined covers a portion
8 only of my front yard. And so that's why I got included.

9 I guess my biggest questions regarding how is it
10 handled when only a very small portion of your property is
11 included, I'd like that clarified.

12 And maybe I'd like to understand how it affects us.
13 Because the Sanctuary subdivision is brand new. There is a
14 drain for storm sewer that empties into Spring Lake at the
15 east side of the total property.

16 There is a second natural drain that exists that a
17 lot of homes empty into as well. And that's been existing,
18 it's not been disturbed, and it is a natural piece.

19 With all the new infrastructure from the start of
20 the subdivision at West Spring Lake Road and throughout, the
21 drainage in our area has been properly engineered, and I can
22 say that I for sure have never even had one drop of water at
23 all in my basement.

24 So how does that -- because our part was already
25 done with the engineering content, how come we would be

1 included in such an extensive project long term?

2 That's really my two issues, and how I'm affected.

3 BOARD CHAIRPERSON BILL CARGO: Well I'll make a
4 brief comment on that, Brian.

5 First of all, Ryan is making notes and he will
6 verify whether your property, or a portion of your property
7 does drain in this direction. And they base that on contour
8 maps and also some field surveying.

9 In brief, if you have a very small segment of your
10 property that's within the district, in other words not your
11 entire property, there would be normally a prorated type of
12 fee or cost that would be assessed to you should this project
13 move forward.

14 Joe, is that a fair summation?

15 WATER RESOURCES COMM. JOE BUSH: Yep, you're
16 absolutely correct, Bill.

17 BOARD CHAIRPERSON BILL CARGO: The thing I cannot
18 comment on is why the homes that were built in this area did
19 not receive the same level of engineering and review that,
20 for instance, the Sanctuary subdivision did. I think the
21 Sanctuary subdivision was a David Bos subdivision and I know
22 he spends an awful lot of time looking and ensuring that the
23 water flows are done.

24 At many of the other homes it looks like it was
25 done on an individual basis and not part of a larger plan.

1 That's one of the weaknesses of allowing individual homes to
2 be built that aren't part of a larger plan.

3 But again, that's something that's allowed in the
4 state of Michigan. And sometimes we have to go back and deal
5 with the consequences or the unintended consequences of
6 allowing that type of development.

7 That said, I'm going to move onto the next person,
8 it's identified as Admin. Is Admin an individual that would
9 like to speak at this public hearing? If so un-mute. If you
10 don't un-mute, I'll move on.

11 Okay, I don't see anything there.

12 The next I see is a person or a screen identified
13 as Steve Poel.

14 If you would like to speak, please un-mute
15 yourself.

16 And finally, the last person that I see a screen
17 for is somebody by the name of Judy Ball.

18 If you would like to speak, please un-mute
19 yourself.

20 Okay. I have not seen anybody un-mute themselves,
21 so I'm going to close the public comment portion of the, of
22 this Board of Determination public hearing. And we will move
23 into having conversations among the board members.

24 I'm going to start with you, Ken. Do you have any
25 comments or -- that you would like to share with regard to

1 this?

2 BOARD MEMBER KEN SOUTER: Well just from some of
3 the pictures that I've seen that were shown by Ryan, there is
4 some problems here that should be solved.

5 I'm a little confused on some of the public comment
6 where there has been drainage districts and drainage work
7 done and they can't -- I don't think that they can be in two
8 different drains, but I think that's got to be determined
9 later when they would come up with what the actual -- what
10 actually would run through this new drain and where it's
11 going.

12 I take it that's the case, isn't it, Joe?

13 WATER RESOURCES COMM. JOE BUSH: You are correct.
14 Yeah. I just want to make it clear that Ryan will go out and
15 meet with Robert and maybe even Brian just to verify.

16 Because after the BOD, typically if it does move
17 forward, we typically try to answer those questions. This is
18 why we have public comment and I appreciate people talking
19 and bringing up some great questions, especially Robert, you
20 know.

21 You know, if he's got two different drain
22 districts, we want to make sure we touch all the drain
23 districts together. Sometimes you can be in two if one is
24 smaller and goes into a bigger one. But if you're back to
25 back --

1 MR. ROBERT DERCK: It would be three.

2 WATER RESOURCES COMM. JOE BUSH: -- we might have
3 to look into that.

4 But you're right, Ken.

5 BOARD MEMBER KEN SOUTER: Okay. My only comment I
6 see there is a big problem there, there is a lot of problems
7 with where that water is going. But I know that Ryan will
8 look at every piece and say, okay, this doesn't go in, or
9 this does go in.

10 So I would be in favor of getting the problem
11 solved, but also looking very directly at who is getting the
12 benefits from this solving problem.

13 BOARD CHAIRPERSON BILL CARGO: Yep, I agree.
14 Rich, do you have any comments?

15 BOARD SECRETARY RICH VANDER KLOK: I agree with
16 what Ken said, and I appreciate the comments of the people.

17 I do feel that given the fact of the petitions and
18 the number of people that did sign those petitions, obviously
19 there are issues. And the only way that the issues that even
20 those folks who spoke today during public comment will be
21 addressed is to say, yes, we do need to find a solution. And
22 I do think that it has to move forward.

23 So I would be in favor of the, establishing this
24 district.

25 BOARD CHAIRPERSON BILL CARGO: I did receive a

1 response to my e-mail to Gordon Gallagher, the manager for
2 Spring Lake Township.

3 He responded by saying, "Bill, thank you for the
4 e-mail. We," meaning Spring Lake Township "will not be
5 represented at the meeting. We are supportive of all the
6 efforts of the Water Resources office to improve the drainage
7 districts in the township. Best wishes, Gordon Gallagher."

8 That said, we have a very narrow decision to make.
9 And that narrow decision is is there a problem that needs to
10 be solved.

11 And I think it's clear that we are having flooding
12 issues in this portion of Spring Lake Township, and it seems
13 that there is not an outlet for this area. Hopefully this
14 will be an inexpensive solution to solve the problem.

15 But I, for one, believe that it is necessary for
16 public dollars to be spent to approve this, and that we would
17 need to make a motion to allow the construction of the
18 Terrace Drain, or at least begin the process.

19 So I will make a motion that the proposed location,
20 establishment and construction of the Terrace Drain, as
21 petitioned on September 29th, 2020, is necessary and
22 conducive to the public health, convenience or welfare.

23 Is there support for that motion?

24 BOARD SECRETARY RICH VANDER KLOK: I will support
25 it.

1 BOARD MEMBER KEN SOUTER: Support that motion.

2 BOARD CHAIRPERSON BILL CARGO: Rich spoke first.

3 So the motion was made by Bill, supported by Rich.

4 Any other comments of the board members before we
5 vote on this motion?

6 Okay, no other comments. I'll do a roll call vote.

7 Ken, how do you vote?

8 BOARD MEMBER KEN SOUTER: Yes.

9 BOARD CHAIRPERSON BILL CARGO: Rich, how do you
10 vote?

11 BOARD SECRETARY RICH VANDER KLOK: Yes.

12 BOARD CHAIRPERSON BILL CARGO: And I also vote yes.

13 So the decision as to the necessity of the proposed
14 Terrace Drain is approved unanimously.

15 That said, I believe the next issue would simply be
16 to have the Water Resources Commissioner, Joe Bush, explain
17 the -- how they would appeal this decision if there is any
18 appeal to be made, and the process from this point forward.

19 So, Joe, I'll turn it over to you.

20 WATER RESOURCES COMM. JOE BUSH: All right. Thank
21 you, Mr. Chair.

22 At this point, if somebody wanted to appeal today's
23 public hearing, you can do that starting today. You have ten
24 days to file with the Circuit Court of Ottawa County, if
25 somebody wishes to appeal the decision for today's public

1 hearing for the Board of Determination.

2 So -- and again, that's with circuit court, so it's
3 not through my office, if somebody rejects or doesn't feel
4 like today's meeting was necessary. So that's all I got.

5 Also I want to say again thanks for everybody
6 taking the time this morning to learn and get an education on
7 the Board of Determination and why you got a letter.

8 And again I'll have Ryan, he's taking notes on a
9 couple of those comments from those individuals who have
10 questions. Ryan will probably -- I know COVID is a different
11 time, but if you don't mind him coming out wearing a mask and
12 meeting you on site, just to confirm what he's thinking the
13 district might look like.

14 So thank you.

15 BOARD CHAIRPERSON BILL CARGO: I appreciate that.

16 That said, I will make a motion to adjourn this
17 meeting and public hearing.

18 Do I have support for that motion?

19 BOARD MEMBER KEN SOUTER: Support.

20 BOARD CHAIRPERSON BILL CARGO: I have support from
21 Ken to adjourn the meeting.

22 I'll go through a roll call.

23 Bill votes yes.

24 Rich?

25 BOARD SECRETARY RICH VANDER KLOK: Yes.

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BOARD CHAIRPERSON BILL CARGO: And Ken?

BOARD MEMBER KEN SOUTER: Yes.

BOARD CHAIRPERSON BILL CARGO: And that means the meeting is adjourned. I do appreciate everybody's participation. Thank you very much.

(Board of Determination adjourned at 11:05 a.m.)

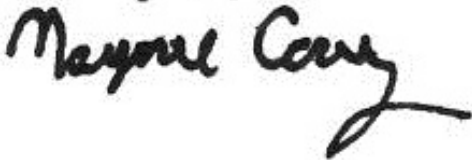
CERTIFICATION OF COURT REPORTER AND NOTARY PUBLIC

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STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

I certify that this transcript, consisting of 49 pages, is a complete, true and correct record of the Terrace Drain Board of Determination held on January 13, 2021.

DATE: January 21, 2021



MARJORIE A. COVEY
Michigan License CSR-2616
Washington License 20109173
Oregon License 20-0468
Illinois License 084-004911

Notary Public Expires: October 14, 2021, Muskegon County, Michigan/Acting in the State of Michigan

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